

BOARD OF OKANOGAN COUNTY COMMISSIONERS

ORDINANCE NO 2006-4

IN THE MATTER OF AN ORDINANCE DESIGNATING CERTAIN COUNTY ROADS FOR OFF-ROAD VEHICLE USE AND ADOPTING REGULATIONS AND PENALTIES THEREFOR.

WHEREAS, RCW Chapter 46.09.180 authorizes counties to designate, by ordinance, a road or highway within its boundaries to be suitable for use by off-road vehicles if the road or highway is a direct connection between a city with a population of less than three thousand persons and an off-road vehicle recreation facility; and,

WHEREAS, the Board of Okanogan County Commissioners has identified a number of roads that meet the requirements of RCW 46.09.180;and,

WHEREAS, The Board of Okanogan County Commissioners deem the following regulations to be in the public interest and for the general health, safety and welfare of the citizens of the County; now therefore,

BE IT ORDAINED BY THE BOARD OF OKANOGAN COUNTY COMMISSIONERS AS FOLLOWS:

Chapter 10.10 and certain sections thereunder are hereby enacted as set forth herein below:

Sections:

10.10.010. Designation of Roads Open to Off-Road Vehicles

10.10.020. Operating Violations

10.10.030. Additional Violations-Penalty

10.10.010. Designation of Roads Open to Off-Road Vehicles.

A. Except as provided in OCC 10.10.020 and 10.10.030, it is lawful to operate an off-road vehicle upon a county road designated under this section.

B. County roadways open for use by off-road vehicles shall be designated by resolution of the board of county commissioners.

C. The Okanogan County Public Works department shall post all roads upon which off-road vehicle use is permitted and make yearly inspections of such posting. The Okanogan County Public Works shall make available to the public a current list of those county roads, or portions thereof, upon which off-road vehicles are permitted.

D. Nothing in this section authorizes trespass on private property.

10.10.020. Operating Violations.

- A. It is a traffic infraction for any person to operate any off-road vehicle:
1. At a rate of speed greater than the posted speed limit or 35 miles per hour, whichever is lower.
 2. Without a valid driver's license.
 3. In such a manner as to endanger the property of another.
 4. On lands not owned by the operator or owner of the off-road vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership¹.
 5. On lands not owned by the operator or owner of the off-road vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership.
 6. Without a spark arrester approved by the department of natural resources.
 7. Without an adequate, and operating, muffling device which effectively limits vehicle noise to no more than eighty-six decibels on the "A" scale at fifty feet as measured by the Society of Automotive Engineers (SAE) test procedure J 331a, except that a maximum noise level of one hundred and five decibels on the "A" scale at a distance of twenty inches from the exhaust outlet shall be an acceptable substitute in lieu of the Society of Automotive Engineers test procedure J 331a when measured:
 - (a) At a forty-five degree angle at a distance of twenty inches from the exhaust outlet;
 - (b) With the vehicle stationary and the engine running at a steady speed equal to one-half of the manufacturer's maximum allowable ("red line") engine speed or where the manufacturer's maximum allowable engine speed is not known the test speed in revolutions per minute calculated as sixty percent of the speed at which maximum horsepower is developed; and
 - (c) With the microphone placed ten inches from the side of the vehicle, one-half way between the lowest part of the vehicle body and the ground plane, and in the same lateral plane as the rearmost exhaust outlet where the outlet of the exhaust pipe is under the vehicle.

8. On lands not owned by the operator or owner of the off-road vehicle upon the shoulder or inside bank or slope of any non-highway road or highway, or upon the median of any divided highway.

9. On lands not owned by the operator or owner of the off-road vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation.

10. On lands not owned by the operator or owner of the off-road vehicle or on any non-highway road or trail, when these are restricted to pedestrian or animal travel.

11. On any public lands in violation of rules and regulations of the agency administering such lands; and

12. On a private non-highway road in violation of RCW 46.09.115(3).

13. Without proof of liability insurance covering such operation.

B. It is a misdemeanor for any person to operate any off-road vehicle while under the influence of intoxicating liquor or a controlled substance.

C. 1. Except for an off-road vehicle equipped with seat belts and roll bars or an enclosed passenger compartment, it is a traffic infraction for any person to operate or ride an off-road vehicle on a non-highway road or highway road designated under OCC 10.10.010 without wearing upon his or her head a motorcycle helmet fastened securely while in motion. For purposes of this section, "motorcycle helmet" has the same meaning as provided in RCW 46.37.530.

2. Subsection C.1. of this section does not apply to an off-road vehicle operator operating on his or her own land.

3. Subsection C.1. of this section does not apply to an off-road vehicle operator operating on agricultural lands owned or leased by the off-road vehicle operator or the operator's employer.

10.10.030. Additional Violations-Penalty

A. No person may operate an off-road vehicle in such a way as to endanger human life.

B. No person shall operate a off-road vehicle in such a way as to run down or harass any wildlife or animal, nor carry, transport, or convey any loaded weapon in or upon, nor hunt from, any off-road vehicle except by permit issued by the director of fish and wildlife under RCW 77.32.237: PROVIDED, That it shall not be unlawful to carry, transport, or convey a loaded pistol in or upon a off-road vehicle if the person complies

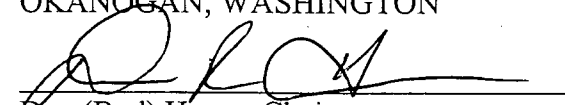
with the terms and conditions of chapter 9.41 RCW.

C. For the purposes of this section, "hunt" means any effort to kill, injure, capture, or purposely disturb a wild animal or bird.

D. Violation of this section is a gross misdemeanor. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

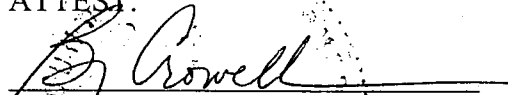
DATED at Okanogan, Washington this 26 day of June 2006.


BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON


Don (Bud) Hover, Chairman


Andrew Lampe, Member

ATTEST


Brenda J. Crowell, Clerk of the Board


Mary Lou Peterson, Member

